

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CAROLE NEWMARK,

Plaintiff,

07 Civ. 2861 (CS)

-against-

LAWRENCE HOSPITAL CENTER,
PAT ORSAIA, individually, and
CATHY MAGONE, individually,

**AFFIDAVIT OF DRITA NICAJ
IN OPPOSITION TO
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

Defendants.
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DRITA NICAJ, an attorney duly admitted to this Court and the Courts of the State of New York, hereby affirms under penalty of perjury that the following statement is true:

1. I am counsel to Plaintiff and submit this affidavit in opposition to Defendants' motion for summary judgment.
2. Annexed hereto is Plaintiff Carole Newmark's affidavit.
3. Annexed hereto as Exhibit 1 is a copy of an August 15, 2006 note from C. Magone.
4. Annexed hereto as Exhibit 2 is a copy of an email dated August 21, 2006, from Magone to Orsaia, subject "Accepted: Carole Newmark's concerns".
5. Annexed hereto as Exhibit 3 is a copy of an email dated September 12, 2006 from Newmark to Orsaia.
6. Annexed hereto as Exhibit 4 is a copy of an email dated September 13, 2007 from Newmark to Orsaia.
7. Annexed hereto as Exhibit 5 is a copy of an email dated September 28, 2006 from Newmark to Orsaia.

8. Annexed hereto as Exhibit 6 is a copy of an email dated September 29, 2006 from Newmark to Orsaia.

9. Annexed hereto as Exhibit 7 is a copy of an email dated October 4, 2006 from Magone to Newmark.

10. Annexed hereto as Exhibit 8 is a copy of an email dated October 5, 2006 from Magone to Orsaia.

11. Annexed hereto as Exhibit 9 is a copy of a memo dated October 5, 2006 from Magone to "file".

12. Annexed hereto as Exhibit 10 is a copy of a Fax Order Form and Applicant Release for Nicole Serra dated March 14, 2006.

13. Annexed hereto as Exhibit 11 is a copy of a Personnel data card for Carole Newmark.

14. Annexed hereto as Exhibit 12 is a copy of a Performance Evaluation for Nicole Serra dated January 17, 2007.

15. Annexed hereto as Exhibit 13 is a copy of an email dated July 20, 2006 from Serra to Delbene.

16. Annexed hereto as Exhibit 14 is a copy of an email dated October 23, 2006 from Galloway to Newmark.

17. Annexed hereto as Exhibit 15 is a copy of an email dated October 12, 2006 from Andersen to Newmark.

18. Annexed hereto as Exhibit 16 is a copy of an email dated May 23, 2006 from Newmark to Magone.

19. Annexed hereto as Exhibit 17 is a copy of an email dated May 11, 2006 from Magone to Newmark.

20. Annexed hereto as Exhibit 18 is a copy of a "Nomination for Big Heart Award" for Carole Newmark dated April 17, 2006.

21. Annexed hereto as Exhibit 19 is a copy of an email dated October 5, 2006 from Enright to Magone.

22. Annexed hereto as Exhibit 20 is a copy of the First Amended Complaint.

23. Annexed hereto as Exhibit 21 is a copy of the Answer to the First Amended Complaint.

24. Annexed hereto as Exhibit 22 is a copy of the Management Performance Appraisal of Catherine Magone dated February 23, 2004.

25. Annexed hereto as Exhibit 23 is a copy of the deposition transcript of Carole Newmark dated March 5, 2008.

26. Annexed hereto as Exhibit 24 is a copy of the deposition transcript of Catherine Magone dated February 20, 2008.

27. Annexed hereto as Exhibit 25 is a copy of the deposition transcript of Pat Orsaia dated March 3, 2008.

28. Annexed hereto as Exhibit 26 is a copy of the deposition transcript of Nicole A. Serra dated March 18, 2008.

29. Annexed hereto as Exhibit 27 is a copy of the deposition transcript of Roseann O'Hare dated March 18, 2008.

30. Annexed hereto as Exhibit 28 is a copy of the deposition transcript of Maura DelBene dated March 18, 2008.

For the reasons set forth in Plaintiff's accompanying Memorandum of Law, Plaintiff's Affidavit and Plaintiff's Counter Statement of Material Facts pursuant to Local Rule 56.1, it is submitted that Defendants' motion should in all respects, be denied.

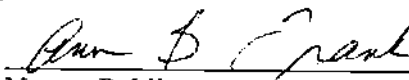
WHEREFORE, an order is respectfully requested denying Defendants motion for summary judgment.

Dated: White Plains, New York
August 27, 2008



Drita Nica

Sworn to before me this
28 day of August, 2008



Notary Public

ANN B. FRANK
Notary Public, State of New York
No. 01FR5022348
Qualified in Westchester County
Commission Expires January 10, 2010